

106TH CONGRESS  
2D SESSION

# S. 2754

To provide for the exchange of certain land in the State of Utah.

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IN THE SENATE OF THE UNITED STATES

JUNE 20, 2000

Mr. BENNETT (for himself and Mr. HATCH) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To provide for the exchange of certain land in the State  
of Utah.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Utah West Desert  
5       Land Exchange Act of 2000”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

8               (1) the State of Utah owns approximately  
9       95,095.19 acres of land and approximately  
10      11,187.60 acres of mineral interests that are located

1 in the West Desert region of the State and con-  
2 tained wholly or partially within certain wilderness  
3 study areas that were—

4 (A) established under section 603 of the  
5 Federal Land Policy and Management Act of  
6 1976 (43 U.S.C. 1782); or

7 (B) proposed by the Bureau of Land Man-  
8 agement for designation as wilderness study  
9 areas under section 202 of that Act (43 U.S.C.  
10 1712);

11 (2) the land was granted by Congress to the  
12 State under the Act of July 16, 1894 (commonly  
13 known as the “Utah Enabling Act”) (28 Stat. 107;  
14 chapter 138), to be held in trust for the benefit of  
15 the public school system and other public institu-  
16 tions of the State;

17 (3) the land is largely scattered in checkerboard  
18 fashion amid the Federal land comprising the re-  
19 mainder of the designated and proposed wilderness  
20 study areas;

21 (4) much of the State trust land within des-  
22 ignated and proposed wilderness study areas in the  
23 West Desert region may—

24 (A) contain significant economic quantities  
25 of mineral resources (including gold, silver, cop-

per, nickel, lead, phosphates, oil, natural gas,  
and other energy and metalliferous minerals);  
and

(B) have substantial market value for recreational and agricultural uses;

(5) certain areas of the land, like the Federal land that comprises the remainder of the designated and proposed wilderness study areas, contain substantial noneconomic scientific, historical, scenic, recreational, and natural resources;

(6) development of surface and mineral resources on State trust land within designated or proposed wilderness study areas, or the sale of that land into private ownership, could be incompatible with—

(A) management of the land for non-impairment of wilderness characteristics of the land under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) future congressional designation of the land as wilderness;

(7) the United States owns land and interests in land outside designated and proposed wilderness study areas that could be transferred to the State in

1 exchange for the West Desert wilderness inholdings  
2 without jeopardizing Federal management objectives  
3 or needs;

4 (8) the large presence of State trust land  
5 inholdings in designated and proposed wilderness  
6 study areas in the West Desert region makes land  
7 and resource management in those areas difficult,  
8 costly, and controversial for the State and the  
9 United States;

10 (9) it is in the public interest to reach agree-  
11 ment on exchange of the inholdings described in  
12 paragraph (7) on terms that are fair to the State  
13 and the United States, because such an agreement  
14 would save substantial time and avoid substantial  
15 delay in—

16 (A) meeting the legitimate expectations of  
17 the State school and institutional trusts;

18 (B) simplifying management of Federal  
19 land; and

20 (C) avoiding the significant time and ex-  
21 pense associated with administrative land ex-  
22 changes;

23 (10) the State and the United States have  
24 reached an Agreement under which the State would  
25 exchange all its State trust land within specified wil-

1        derness study areas and areas identified as having  
2        wilderness characteristics in the West Desert region  
3        for various Federal land and interests in land out-  
4        side those areas, but in the same region of the State;

5            (11) the Agreement provides for the State to  
6        convey to the United States approximately 483 acres  
7        of land in Washington County, Utah, that have been  
8        designated as critical habitat for the Desert Tor-  
9        toise, a threatened species under the Endangered  
10       Species Act of 1973 (16 U.S.C. 1531 et seq.), for  
11       inclusion in the Red Cliffs Desert Reserve;

12           (12) because the inholdings to be acquired by  
13       the Federal Government include properties within  
14       some of the most spectacular wild areas in the west-  
15       ern United States, and because a mission of the  
16       Utah School and Institutional Trust Lands Adminis-  
17       tration is to produce economic benefits for public  
18       schools and other beneficiary institutions of the  
19       State, the exchange of land called for in the Agree-  
20       ment will—

21            (A) resolve longstanding environmental  
22       conflicts with respect to the designated and pro-  
23       posed wilderness study areas;

24            (B) place important natural land into pub-  
25       lic ownership; and

1 (C) further the interests of the State trust  
 2 land, the schoolchildren of the State, and those  
 3 conservation resources; and

4 (13) under the Agreement taken as a whole, the  
 5 State interests to be conveyed to the United States  
 6 by the State, and the Federal interests to be con-  
 7 veyed to the State by the United States, are approxi-  
 8 mately equal in value.

9 (b) PURPOSES.—The purposes of this Act are to—

10 (1) incorporate into law, and direct prompt im-  
 11 plementation of, the Agreement; and

12 (2) further the public interest by consolidating  
 13 State and Federal land into manageable units while  
 14 facilitating the protection of the land (including sig-  
 15 nificant scientific, cultural, and natural resources on  
 16 the land).

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) AGREEMENT.—The term “Agreement”  
 20 means the document entitled “Agreement for Ex-  
 21 change of Lands—West Desert State-Federal Land  
 22 Consolidation”, entered into between the United  
 23 States and the State, dated May 30, 2000.

24 (2) SECRETARY.—The term “Secretary” means  
 25 the Secretary of the Interior.

1           (3) STATE.—The term “State” means the State  
2       of Utah.

3   **SEC. 4. RATIFICATION OF THE AGREED EXCHANGE BE-**  
4                   **TWEEN THE STATE OF UTAH AND THE DE-**  
5                   **PARTMENT OF THE INTERIOR.**

6       (a) RATIFICATION.—All terms, conditions, proce-  
7       dures, covenants, reservations, and other provisions de-  
8       scribed in the Agreement, as a matter of Federal law—

9           (1) are incorporated in this Act;

10          (2) are ratified and confirmed; and

11          (3) describe the obligations of—

12               (A) the United States;

13               (B) the State; and

14               (C) the Utah School and Institutional  
15       Trust Lands Administration.

16   **SEC. 5. CONVEYANCES.**

17       (a) CONVEYANCES.—Not later than 70 days after the  
18       date of enactment of this Act, all conveyances under sec-  
19       tions 2 and 3 of the Agreement shall be completed.

20       (b) MAPS AND LEGAL DESCRIPTIONS.—

21           (1) IN GENERAL.—The maps and legal descrip-  
22       tions referred to in the Agreement depict the land  
23       subject to the conveyances under the Agreement.

24           (2) PUBLIC AVAILABILITY.—The maps and de-  
25       scriptions referred to in the Agreement shall be on

1 file and available for public inspection in the offices  
2 of—

3 (A) the Secretary; and

4 (B) the Utah State Director of the Bureau  
5 of Land Management.

6 (3) CONFLICT.—In case of any conflict between  
7 a map and a legal description in the Agreement, the  
8 legal description shall control.

9 **SEC. 6. COSTS.**

10 The United States and the State shall each bear its  
11 own costs incurred in carrying out this Act.

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